

MEMORANDUM OF UNDERSTANDING

between the
THE UNITED STATES DEPARTMENT OF AGRICULTURE
ECONOMIC RESEARCH SERVICE
(hereinafter referred to as ERS),
NATIONAL AGRICULTURAL STATISTICS SERVICE
(hereinafter referred to as NASS),

and the

_____ (NAME of UNIVERSITY/INSTITUTION/AGENCY)
(hereinafter referred to as _____) (name of organization)

SUBJECT:

Access by specified _____ (name of organization) staff to the ERS/NASS Agricultural Resource Management Survey (ARMS) data which have been collected and acquired for exclusively statistical purposes under a pledge of confidentiality.

DATA ACCESS:

Access to the ARMS data will be available through four avenues. These are: 1) on site at Economic Research Service headquarters at 1800 M. St, NW, Washington, DC; 2) on site at National Agricultural Statistics Service headquarters at 1400 Independence Ave, SW, Washington, DC; 3) on site at NASS State Offices, generally located in each State Capital city; or 4) controlled by a web-based tool via the Internet. Access via the web-based tool will require each authorized user to have a USDA-authenticated Level 2 ID before entry into the tool will be allowed. On-site access will be supervised in a manner consistent with Agency regulations governing data confidentiality and survey data research.

ERS/NASS responsibilities for on-site visits:

- 1) Provide necessary office space, equipment, and supplies;
- 2) Inform each person allowed access to the data of the USDA and NASS policy on confidentiality pertaining to the use of ARMS data; and
- 3) Review completed data summaries to avoid disclosure of confidentiality.

USER responsibilities for on-site visits:

- 1) Will not remove any data, including printouts, diskettes, compact disks, or electronic transmissions, without the approval of the ERS, NASS, or State NASS Statistician.

DATA COLLECTION:

ARMS is a series of interviews with farm operators about their farm business and household. It is conducted annually in three phases by USDA's National Agricultural Statistics Service (NASS). Confidentiality

of these data is protected by the USDA/NASS Confidentiality of Information Act (7 U.S.C. 2276) and the Privacy Act of 1974 (5 U.S.C. 552a). Disclosure of confidential information is covered in 18 U.S.C. sections 1902 and 1905.

DATA SHARING:

The Confidential Information Protection and Statistical Efficiency Act of 2002 (CIPSEA), Title V of the E-Government Act of 2002 (Public Law 107-347), Subtitle A, establishes standards and requirements that provide the legal authority for any party entering into this Memorandum of Understanding. CIPSEA allows Federal agencies that collect data under the pledge of confidentiality to share individual identifiable data for statistical purposes only, to deny use of the data for nonstatistical purposes, such as enforcing regulations or release under the Freedom of Information Act (FOIA), and to punish those who disclose identifiable information about individual respondents.

PENALTIES:

The protection of data collected under this law is supported by a penalty of a Class E Felony for a knowing and willful disclosure of confidential data. This includes imprisonment for up to five (5) years and fines up to \$250,000. Any violation of this Memorandum of Understanding may also be a violation of Federal criminal law under the Privacy Act of 1974, 5 U.S.C. 552a. In addition to the imposition of civil/criminal fines and penalties, any violation of data confidentiality will result in the termination of this Memorandum of Understanding.

REASON FOR REQUESTING ACCESS TO THE ARMS DATA:

GENERAL:

The _____ (name of organization) _____ has a current and ongoing need to conduct agricultural research that will not only benefit the _____ (name of organization) _____ but also the USDA and the American public, by providing information on the diversity of agriculture and the economic and environmental effects. The ARMS data provide a source of agricultural production, financial, household, and management data that will support many research efforts in these areas.

SPECIFIC:

All organizations will need a separately signed Project Agreement for each research project.

DISSEMINATION AND DISCLOSURE REVIEW OF INFORMATION:

The _____ (name of organization) _____ will submit a copy of all drafts reporting data summaries or analytical findings from the ARMS to ERS and NASS for disclosure review prior to public dissemination and will

provide final copies of any publications. Only reviewed and approved summary or statistical results, analyses, or other information developed as a result of any research based on ARMS data made available under this Memorandum of Understanding may be published. Planned publications may include articles in professional journals, inhouse publications, and posters or presentations at professional meetings. Parameter estimates from the data may be used in models to estimate economic and environmental impacts.

DURATION:

All conditions and provisions of this Memorandum of Understanding shall become effective upon the date of final signature and shall continue in force for a period of three (3) years. This memorandum may be amended, extended, or terminated at any time by mutual agreement of all parties in writing, or terminated by any party upon 30 days notice in writing to the other parties.

DESIGNATION OF AUTHORITY:

The _____ (name of organization) _____ will designate an individual who has authority to represent the organization in accepting the responsibilities imposed by this Memorandum of Understanding, signing this Memorandum of Understanding, and enforcing the conditions of this Memorandum of Understanding. This individual, hereafter referred to as the Senior Official, will be required to sign the ERS/NASS Agreement of Confidentiality and undergo the confidentiality training required by all persons who have access to ARMS. This security briefing will be conducted by a qualified NASS or ERS representative. Additional responsibilities are detailed below.

PROJECT-SPECIFIC REQUEST AND AGREEMENT:

The _____ (name of organization) _____ will submit to ERS/NASS for review and approval a preliminary project-specific request/proposal, on organization letterhead and signed by the Senior Official, for each individual research project that will access ARMS. If approved, a Project Agreement is required, which contains the following components:

- 1) Provide a brief description of the research project, including objectives and description;
- 2) Explain why and how ARMS data are essential to the project;
- 3) Detail what specific ARMS data are needed;
- 4) Explain how ARMS data within the context of the project will contribute significantly to a further understanding of the agriculture sector, thereby benefiting USDA and the public which it serves;
- 5) Include a start and end date;
- 6) Have a Project Leader whose signature will be required on the Project Agreement;

- 7) Include a list of all parties that will be accessing ARMS; and
- 8) Include the approval and signatures of the organization's Senior Official and ERS/NASS.

RESPONSIBILITIES OF THE SENIOR OFFICIAL:

The organization's Senior Official will:

- 1) Notify ERS when the project no longer needs access to ARMS;
- 2) Notify ERS when the project purpose changes;
- 3) Have each member of the project, including the Project Leader, participate in the confidentiality training and sign the ERS/NASS Agreement of Confidentiality and co-sign all individual Agreements;
- 4) Arrange for annual confidentiality training and re-certification of the ERS/NASS Agreement of Confidentiality;
- 4) Immediately notify ERS when job status changes for any project member;
- 5) Provide access to paper shredders for proper disposal of all printed materials produced from using the ARMS data;
- 6) Ensure that ARMS data are being used for statistical purposes only, as defined in the Confidential Information Protection and Statistical Efficiency Act of 2002 (CIPSEA); and
- 7) Affix his/her signature to Project Agreements.

SECURITY:

The _____ (name of organization) agrees to:

- 1) Allow ERS and/or NASS officials to carry out unannounced physical and IT security inspections of the organization's workplace;
- 2) Provide shredders for proper disposal of all paper forms of ARMS data used during the course of the project's life;
- 3) Provide proper IT security training regarding the use of confidential data, including the proper protection of IDs and passwords, prohibition of sharing IDs, prohibition on setting Internet browsers to "remember" the USDA-authenticated Level 2 ID and password—users must re-enter them for all sessions, provision of private computing areas to deter accidental exposure of ARMS data to noncertified users;
- 4) Ensure all ARMS project team participants sign the ERS/NASS Agreement of Confidentiality;
- 5) Arrange for annual review of security rules and procedures and re-certification of the ERS/NASS Agreement of Confidentiality by each individual user;
- 6) Make all ARMS users aware of the penalties for misuse and improper disclosure of data and the organization's legal responsibility for answering to allegations of misuse and improper disclosure; and
- 7) Immediately notify ERS/NASS of termination of an individual's participation in an ARMS project.

LOCATION OF ALL PARTIES:

- 1) XXXX State University
Agricultural Economics Department
XXXX Hall
City, State, Zip Code
- 2) Economic Research Service
United States Department of Agriculture
1800 M Street, NW
Washington, DC 20036-5831
- 3) National Agricultural Statistics Service
United States Department of Agriculture
1400 Independence Avenue, SW
Washington, DC 20250-2001

SIGNATURES:

The _____ (name of organization) designated Senior Official shall sign this Memorandum of Understanding below. The designated Senior Official certifies, by his/her signature, that:

- 1) The organization has the authority to undertake the commitments of this Memorandum of Understanding;
- 2) The designated Senior Official has the authority to bind the organization to the provisions of this Memorandum of Understanding; and
- 3) The designated Senior Official has the authority to enforce the provisions of this Memorandum of Understanding.

Signature of Senior Official: _____

Type or Print Name of Official Above: _____

Organizational Title of Senior Official: _____

Date: _____ Telephone: (____) _____

The Economic Research Service and the National Agricultural Statistics Service concur in the Memorandum of Understanding and authorize access by the _____ (name of organization) to the ARMS data. This is effective as of the date of the ERS and NASS representatives' signatures below.

Signature of ERS Official: _____

Type or Print Name of ERS Official: _____

Title of ERS Official: _____

Date Approved: _____ Telephone: (____) _____

Signature of NASS Official: _____

Type or Print Name of NASS Official: _____

Title of NASS Official: _____

Date Approved: _____ Telephone: (____) _____

MEMORUNDUM OF UNDERSTANDING REFERENCE NUMBER/NAME:

When individual Project Agreements are prepared, this number or name should be referenced on each Agreement. This number or name should also appear on the individual ERS/NASS Agreements of Confidentiality signed by each individual.

Name: _____

or

Number: _____